

CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

General Subject: ADMINISTRATION

Specific Subject: CTV

Policy No. 11 (Page 1 of 2)

Date Issued Sept. 19, 1972

Effective Date 9-19-72

Cancellation Date

Supersedes No.

Copies to: City Council, City Manager, City Attorney, Department and Division Heads, Employee Bulletin Boards, Press, File

PURPOSE:

To establish a City Council policy regarding construction, installation, operation, maintenance, and disposition of community antenna television systems prior to the enactment of a City ordinance enabling the franchising of Cable Television system in the City.

STATEMENT OF POLICY:

It is desirable to formulate a policy to govern the installation of community antenna television facilities in subdivisions and building projects now under construction so that such facilities can be integrated into Cable Television systems of those who may acquire (a) franchise(s) for the areas in question in order to provide Cable Television service to the occupiers upon construction of the project and to avoid the expense of Cable Television installation after completion of the buildings(s).

PROCEDURE:

1. Pending the enactment of a Cable Television ordinance enabling the franchising of Cable Television operators, community antenna operators, operators or construction contractors who have in each case contracted with developers for operation and installation of a community antenna system therein, may apply for a permit or license from the City Clerk with the approval of the City Manager for construction and operation of a community antenna system in the area of the subdivision or building project only.
2. The applicant must show to the satisfaction of the City Manager the financial capability, technical experience and management capacity to construct and operate the system.
3. The license or permit shall provide for construction of any community antenna system in accordance with specifications and standards determined by the Director of Public Works so as to facilitate integration into the system(s) of those to be granted franchises in the City.
4. The license or permit shall be limited to not over two years or a period of six months from the granting of a franchise by the City Council including the area of said license or permit, whichever be the shorter period. The City Council will entertain requests for permit or license extensions on an individual basis once a franchise is granted and construction begins on a Cable

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<p>Television system.</p> <p>5. The license or permit shall provide that all requirements of the Federal Communications Commission, which are applicable, be complied with.</p> <p>6. The license or permit shall require that within three months after granting of (a) franchise(s) covering the area of the permit or license to one other than the licensee or permittee that the licensee or permittee shall sell his community antenna television system to the franchisee at a price and upon terms and conditions just to both buyer and seller under the circumstances. If the parties cannot agree on the price, they shall appoint an arbitrator-appraiser to determine the matter and if they cannot agree on an arbitrator-appraiser each shall appoint one and the two shall select a third and such arbitration shall proceed in accordance with the California Code of Civil Procedure, Civil Code, and the rules of the Superior Court of the State of California in San Diego County. The parties in entering into such arbitration shall agree that the award of the arbitrator-appraiser(s) shall be binding on the parties and enforceable by the said Superior Court. If the permittee or licensee receive a franchise including the area in question, the franchise upon its effective date shall supersede and cancel as of that date the temporary license or permit.</p> <p>7. The applicant will pay \$100.00 for such permit or license and three per cent of all gross subscriber revenue, provided to the City Clerk quarterly.</p> <p>8. It is understood that this policy is for an interim period only and constitutes no precedent as regards later City CTV franchise ordinances or policies and that the City franchise when adopted may contain entirely different terms and conditions.</p> <p>9. The Director of Public Works may issue an encroachment permit for community antenna system work in, or around, or over or under City streets, ways, sidewalks, real property, and easements upon such work standards or specifications as he shall determine upon issuance of a permit or license by the City Clerk.</p> <p>10. Franchisee shall provide and keep in force a public liability insurance policy in the sum of not less than \$100,000.00 property damage, \$100,000.00 per person, with a total of \$300,000.00 per accident personal injury liability, and shall name City as an additional insured thereon.</p>		